

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

ALI SIMHAQ,

Plaintiff,

-against-

KID CARTER TOURING, INC. and  
AARON CARTER,

Defendants.

**MEMORANDUM AND ORDER**  
20-CV-2057 (RPK) (RER)

-----X

RACHEL P. KOVNER, United States District Judge:

Ali Simhaq brought this action against Kid Carter Touring, Inc., and Aaron Carter for copyright infringement under Section 501 of the Copyright Act, 17 U.S.C. § 501, and Section 1202(b) of the Digital Millennium Copyright Act, 17 U.S.C. § 1202. *See* Compl. (Dkt. #1). Defendants were served but never appeared. *See* Executed Summons (Dkt. #7); Executed Summons (Dkt. #8); Request for Certificate of Default (Dkt. #9); Entry of Default (Dkt. #10). Plaintiff moved for default judgment. *See* Mot. for Default J. (Dkt. #14). Plaintiff's motion was referred to Magistrate Judge Ramon E. Reyes, Jr., for a report and recommendation. *See* Order Referring Mot. (Feb. 18, 2021).

Judge Reyes, Jr., recommends that the motion for default judgment be granted, and that plaintiff be awarded a total of \$7,220 as well as post-judgment interest. *See* Report and Recommendation ("R. & R.") at 15 (Dkt. #1). A district court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). No party has objected to the R. & R. within the time required by Section 636(b)(1).

When no party has objected to a magistrate judge's recommendation, the recommendation is reviewed, at most, for "clear error." *See* Fed. R. Civ. P. 72(b), Advisory Committee's Notes

(1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see, e.g., Alvarez Sosa v. Barr*, 369 F. Supp. 3d 492, 497 (E.D.N.Y. 2019). Clear error will only be found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006). I have reviewed Judge Reyes, Jr.’s report and recommendation and, having found no clear error, adopt it in full. Plaintiff’s motion for default judgment is granted. Damages, fees, and costs are awarded as calculated in the report and recommendation. Plaintiff is directed to serve a copy of this order on defendant. The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

/s/ Rachel Kovner  
RACHEL P. KOVNER  
United States District Judge

Dated: August 26, 2021  
Brooklyn, New York